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DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF ENVIRONMENTAL PROTECTION

901 South Stewart Street, Suite 4001
Carson City, Nevada 89701 -5249

November 17, 2005

Dear Interested Party:

The Nevada Division of Environmental Protection (NDEP) is pleased to transmit the attached program description of the Nevada Mercury Air Emissions Control Program (NMCP). We have been working diligently to review the current Voluntary Mercury Reduction Program (VMRP), and with stakeholder involvement, to find areas where additional improvements can be made to build on the successes of that program. While some of the attachments to the program description are not yet final, we felt that it was important to let you know how the development of the program was progressing and the timelines we are trying to achieve.

As you review the NMCP, you will find that it takes the control of mercury emissions from precious metals mining operations to a new level. The mercury program we are proposing will no longer be voluntary. Rather, it will be a regulatory program. Mining operations with thermal processes that are covered by the program will be required to submit mercury program permit applications. Specific operation and maintenance, testing, monitoring, reporting and recordkeeping will be required and these requirements will be incorporated into a state mercury permit issued to each precious metal mining facility. Further improvements in control technology will be achieved through the development of case-by-case maximum achievable control technologies (NvMACT) for thermal processes that emit mercury. In addition, participation in the program will expand from the original four VMRP member companies to include all of Nevada's precious metal mining operations.

The NDEP is committed to an aggressive schedule of activities necessary to implement the NMCP. NDEP is currently developing State regulations for adoption by the State Environmental Commission (SEC) that are consistent with the attached program description. It is the intent of NDEP to propose the regulations and conduct workshops by the end of 2005 and present the regulations to the SEC in early 2006. The current VMRP companies are conducting source testing with speciation of mercury. NDEP is also working with US EPA Headquarters and EPA Region 9 to develop a questionnaire that all Nevada precious metal mining operations will be required to complete as a way

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of identifying each facility's mercury emissions. Finally, the NDEP will embark on a multi-year process to develop a case-by-case Nevada MACT for mercury controls in this sector. The timelines for implementation of Nevada's mercury program are attached and are dependent on the time required to adopt the regulations.

Over the past year, there has been a lot of interest in conducting research that would identify the fate and transport of mercury emissions and their potential for deposition into various environmental media; the potential for adverse health effects due to airborne mercury in surrounding areas; and understanding the potential for fugitive emissions from diverse mine processes such as tailings dams. Because NDEP has limited capability and resources to conduct this type of research, we believe that many of these issues are more appropriately addressed on a national level and/or by other states and/or by other research entities. Instead, we have chosen to focus our full attention on creating a program for controlling the sources of mercury in order to prevent as much mercury from entering the environment from this industry sector as is practical. In future months and years, we will continue to work with EPA, affected states and interested stakeholders to identify research areas of interest, as well as to identify the entities most appropriately equipped to respond with future research programs. In addition, NDEP will continue to evaluate Nevada's mercury program with an eye to further enhancements that will result in additional mercury control within this industry sector.

We anticipate continued interest in this program. To that end, there will be numerous opportunities for further public involvement throughout this process, including regulatory development, permitting, and the establishment of the Nv MACTs. If you would like to be added to our mailing list so that you can receive public notices related to our mercury program, please contact Vickie Gatrell at 775-687-9494 or vgatrell@ndep.nv.gov. Should you have any questions or concerns, please do not hesitate to contact Colleen Cripps, Mike Elges or Jennifer Carr of my staff. Their contact information is attached.

Sincerely,

Leo M. Drozdoff, P.E.
Administrator

Attachments

- (1) DRAFT Nevada Mercury Air Emissions Control Program
- (2) Timeline
- (3) Flow Diagram of the NMCP
- (4) Contact Information

Contact Information

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